

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JOSHUA SHUMAN, a minor by and through
his mother and natural guardian, TERESA
SHERTZER, and TERESA SHERTZER
Plaintiffs,

v.

PENN MANOR SCHOOL DISTRICT,
PENN MANOR SCHOOL BOARD,
GARY B. CAMPBELL, individually and as
Superintendent of the Penn Manor School
District,
AND
DONALD STEWART, individually and as
Acting Superintendent of the Penn Manor
School District,
AND
JANICE M. MINDISH, individually and as
Principal of Penn Manor High School of the
Penn Manor School District,
AND
BRIAN D. BADDICK, individually and as
Assistant Principal of Penn Manor High School
of the Penn Manor School District,
AND
PHILIP B. GALE, individually and as Dean of
Students of Penn Manor High School of the
Penn Manor School District,
AND
CAROLE FAY, individually and as a teacher
and Agriculture Coordinator at Penn Manor
High School of the Penn Manor School
District,

Defendants.

CIVIL ACTION
No. 02-CV-3594

(GARDNER)

PLAINTIFFS' PROPOSED VERDICT SLIP

1. Do you find that Joshua Shuman and Teresa Shertzer have proved by a preponderance of the evidence that any of the Defendants violated Joshua Shuman's right to access to information under the First Amendment?

_____ YES _____ NO

IF YOU ANSWERED "YES" TO THIS QUESTION, THEN GO ON TO QUESTION 2 AND 3.
IF YOU ANSWERED "NO" TO THIS QUESTION, THEN GO TO QUESTION 5.

2. Which Defendants do you find violated Joshua Shuman's First Amendment rights?

Janice Mindish	_____	YES	_____	NO
Brian Baddick	_____	YES	_____	NO
Philip Gale	_____	YES	_____	NO
Donald Stewart	_____	YES	_____	NO
Penn Manor School District and Board	_____	YES	_____	NO

3. Do you find that Joshua Shuman and Teresa Shertzer have proved by a preponderance of the evidence that the violation of Joshua Shuman's First Amendment rights was the proximate cause of any injuries suffered by him?

_____ YES _____ NO

IF YOU ANSWERED "YES" TO THIS QUESTION, THEN GO ON TO THE NEXT QUESTION. IF YOU ANSWERED "NO" TO THIS QUESTION, THEN GO TO QUESTION 5.

4. Do you find that Joshua Shuman and Teresa Shertzer have proved by a preponderance of the evidence that Joshua Shuman should be awarded damages to compensate for any injuries caused by or as a result of the violation of his First Amendment rights?

_____ YES _____ NO

IF YOU ANSWERED "YES", THEN IN WHAT AMOUNT? \$ _____

HOW DO YOU FIND THESE DAMAGES APPORTIONED?

Janice Mindish	_____	%
Brian Baddick	_____	%
Philip Gale	_____	%
Donald Stewart	_____	%
Penn Manor School District and Board	_____	%

GO ON TO THE NEXT QUESTION

5. Do you find that Joshua Shuman and Teresa Shertzer have proved by a preponderance of the evidence that any of the Defendants seized Joshua Shuman and that the seizure was unreasonable in violation of his right to be free from unreasonable seizures under the Fourth Amendment?

_____ YES _____ NO

IF YOU ANSWERED "YES" TO THIS QUESTION, THEN GO ON TO QUESTIONS 6 AND 7. IF YOU ANSWERED "NO" TO THIS QUESTION, THEN GO TO QUESTION 9.

6. Which Defendants do you find violated Joshua Shuman's Fourth Amendment rights?

Janice Mindish	_____ YES	_____ NO
Brian Baddick	_____ YES	_____ NO
Philip Gale	_____ YES	_____ NO
Penn Manor School District and Board	_____ YES	_____ NO

7. Do you find that Joshua Shuman and Teresa Shertzer have proved by a preponderance of the evidence that the violation of Joshua Shuman's Fourth Amendment rights was the proximate cause of any injuries suffered by him?

_____ YES _____ NO

IF YOU ANSWERED "YES" TO THIS QUESTION, THEN GO ON TO THE NEXT QUESTION. IF YOU ANSWERED "NO" TO THIS QUESTION, THEN GO TO QUESTION 9.

8. Do you find that Joshua Shuman and Teresa Shertzer have proved by a preponderance of the evidence that Joshua Shuman should be awarded damages to compensate for any injuries caused by or as a result of the violation of his Fourth Amendment rights?

_____ YES _____ NO

IF YOU ANSWERED "YES", THEN IN WHAT AMOUNT? \$ _____

HOW DO YOU FIND THESE DAMAGES APPORTIONED?

Janice Mindish	_____	%
Brian Baddick	_____	%
Philip Gale	_____	%
Penn Manor School District and Board	_____	%

GO ON TO THE NEXT QUESTION

9. Do you find that Joshua Shuman and Teresa Shertzer have proved by a preponderance of the evidence that any of the Defendants violated Joshua Shuman's right to Due Process under the Fourteenth Amendment?

_____ YES _____ NO

IF YOU ANSWERED "YES" TO THIS QUESTION, THEN GO ON TO QUESTIONS 10 AND 11. IF YOU ANSWERED "NO" TO THIS QUESTION, THEN GO TO QUESTION 13.

10. Which Defendants do you find violated Joshua Shuman's Fourteenth Amendment Due Process rights?

Janice Mindish	_____	YES	_____	NO
Brian Baddick	_____	YES	_____	NO
Philip Gale	_____	YES	_____	NO
Donald Stewart	_____	YES	_____	NO
Penn Manor School District and Board	_____	YES	_____	NO

11. Do you find that Joshua Shuman and Teresa Shertzer have proved by a preponderance of the evidence that the violation of Joshua Shuman's Fourteenth Amendment due process rights was the proximate cause of any injuries suffered by him?

_____ YES _____ NO

IF YOU ANSWERED "YES" TO THIS QUESTION, THEN GO ON TO THE NEXT QUESTION. IF YOU ANSWERED "NO" TO THIS QUESTION, THEN GO TO QUESTION 13.

12. Do you find that Joshua Shuman and Teresa Shertzer have proved by a preponderance of the evidence that Joshua Shuman should be awarded damages to compensate for any injuries caused by or as a result of the violation of his Fourteenth Amendment due process rights?

_____ YES _____ NO

IF YOU ANSWERED "YES", THEN IN WHAT AMOUNT? \$ _____

HOW DO YOU FIND THESE DAMAGES APPORTIONED?

Janice Mindish	_____ %
Brian Baddick	_____ %
Philip Gale	_____ %
Donald Stewart	_____ %
Penn Manor School District and Board	_____ %

GO ON TO THE NEXT QUESTION

13. Do you find that Joshua Shuman and Teresa Shertzer have proved by a preponderance of the evidence that any of the Defendants violated Joshua Shuman's right to equal protection under the Fourteenth Amendment?

_____ YES _____ NO

IF YOU ANSWERED "YES" TO THIS QUESTION, THEN GO ON TO QUESTIONS 14 AND 15. IF YOU ANSWERED "NO" TO THIS QUESTION, THEN GO TO QUESTION 17.

14. Which Defendants do you find violated Joshua Shuman's Fourteenth Amendment equal protection rights?

Janice Mindish	_____ YES _____ NO
Brian Baddick	_____ YES _____ NO
Philip Gale	_____ YES _____ NO
Donald Stewart	_____ YES _____ NO
Penn Manor School District and Board	_____ YES _____ NO

15. Do you find that Joshua Shuman and Teresa Shertzer have proved by a preponderance of the evidence that the violation of Joshua Shuman's Fourteenth Amendment equal protection rights was the proximate cause of any injuries suffered by him?

_____ YES _____ NO

IF YOU ANSWERED "YES" TO THIS QUESTION, THEN GO ON TO THE NEXT QUESTION. IF YOU ANSWERED "NO" TO THIS QUESTION, THEN GO TO QUESTION 17.

16. Do you find that Joshua Shuman and Teresa Shertzer have proved by a preponderance of the evidence that Joshua Shuman should be awarded damages to compensate for any injuries caused by or as a result of the violation of his Fourteenth Amendment equal protection rights?

_____ YES _____ NO

IF YOU ANSWERED "YES", THEN IN WHAT AMOUNT? \$ _____

HOW DO YOU FIND THESE DAMAGES APPORTIONED?

Janice Mindish	_____ %
Brian Baddick	_____ %
Philip Gale	_____ %
Donald Stewart	_____ %
Penn Manor School District and Board	_____ %

GO ON TO THE NEXT QUESTION

17. Do you find that Joshua Shuman and/or Teresa Shertzer have proved by a preponderance of the evidence that:

a. The conduct of any of the following Defendants was extreme and outrageous.

Janice Mindish	_____	YES	_____	NO
Brian Baddick	_____	YES	_____	NO
Philip Gale	_____	YES	_____	NO

IF YOU ANSWERED "YES" TO ANY DEFENDANT IN PART a, GO ON TO PART b. IF YOU ANSWERED "NO" TO ALL DEFENDANTS, GO ON TO QUESTION 18.

b. The conduct of any of the following Defendants caused either Joshua Shuman or Teresa Shertzer severe emotional distress.

1) Joshua Shuman

Janice Mindish	_____	YES	_____	NO
Brian Baddick	_____	YES	_____	NO
Philip Gale	_____	YES	_____	NO

2) Teresa Shertzer

Janice Mindish	_____	YES	_____	NO
Philip Gale	_____	YES	_____	NO

IF YOU ANSWERED "YES" TO ANY DEFENDANT IN PART b (1) or b (2), GO ON TO PART c. IF YOU ANSWERED "NO" TO ALL DEFENDANTS, GO ON TO QUESTION 18.

c. Any of the following Defendants acted intending to cause either Joshua Shuman or Teresa Shertzer such distress or with the knowledge that such distress was substantially certain to occur.

1) Joshua Shuman

Janice Mindish	_____	YES	_____	NO
Brian Baddick	_____	YES	_____	NO
Philip Gale	_____	YES	_____	NO

2) Teresa Shertzer

Janice Mindish _____ YES _____ NO

Philip Gale _____ YES _____ NO

IF YOU ANSWERED "YES" TO ANY DEFENDANT IN PART c (1) or c (2), GO ON TO PART d. IF YOU ANSWERED "NO" TO ALL DEFENDANTS, GO ON TO QUESTION 18.

d. Do you find that Joshua Shuman and Teresa Shertzer have proved by a preponderance of the evidence that either or both of them should be awarded damages to compensate them for emotional distress caused by or as a result of the conduct of Defendants in Parts a, b and c?

1) Joshua Shuman

_____ YES _____ NO

2) Teresa Shertzer

_____ YES _____ NO

IF YOU ANSWERED "YES" TO EITHER d (1) OR d (2), THEN IN WHAT AMOUNT?

Joshua Shuman: \$ _____

Teresa Shertzer: \$ _____

HOW DO YOU FIND THESE DAMAGES APPORTIONED?

Joshua Shuman:

Janice Mindish _____ %

Brian Baddick _____ %

Philip Gale _____ %

Teresa Shertzer:

Janice Mindish _____ %

Philip Gale _____ %

GO ON TO THE NEXT QUESTION

18. Do you find that Joshua Shuman and Teresa Shertzer have proved by a preponderance of the evidence that any of the following Defendants were negligent?

Janice Mindish	_____	YES	_____	NO
Brian Baddick	_____	YES	_____	NO
Philip Gale	_____	YES	_____	NO
Donald Stewart	_____	YES	_____	NO
Carole Fay	_____	YES	_____	NO

IF YOU ANSWERED "YES" AS TO ANY DEFENDANT, GO ON TO QUESTION 19. IF YOU ANSWERED "NO" TO ALL DEFENDANTS, BUT ANSWERED "YES" TO EITHER QUESTIONS 1, 5, 9, 13 OR 17, CONTINUE ON TO QUESTION 21. IF YOU ANSWERED "NO" TO ALL DEFENDANTS, AND ANSWERED "NO" TO QUESTIONS 1, 5, 9, 13, AND 17, DO NOT ANSWER ANY MORE QUESTIONS.

19. Do you find that Joshua Shuman and Teresa Shertzer have proved by a preponderance of the evidence that the negligence of any of the Defendants was the proximate cause of any injuries suffered by them?

Joshua Shuman:

_____ YES _____ NO

Teresa Shertzer:

_____ YES _____ NO

IF YOU ANSWERED "YES" TO THIS QUESTION, THEN GO ON TO THE NEXT QUESTION. IF YOU ANSWERED "NO" TO THIS QUESTION, BUT ANSWERED "YES" TO EITHER QUESTIONS 1, 5, 9, 13 OR 17, CONTINUE ON TO QUESTION 21. IF YOU ANSWERED "NO" TO THIS QUESTION, AND ANSWERED "NO" TO QUESTIONS 1, 5, 9, 13, AND 17, DO NOT ANSWER ANY MORE QUESTIONS.

20. Do you find that Joshua Shuman and Teresa Shertzer have proved by a preponderance of the evidence that they should each be awarded damages to compensate for any injuries caused by or as a result of the negligence of the Defendants?

a. Joshua Shuman:

_____ YES _____ NO

b. Teresa Shertzer:

_____ YES _____ NO

IF YOU ANSWERED "YES" TO EITHER 20a OR 20b, THEN IN WHAT AMOUNT?

Joshua Shuman: \$ _____

Teresa Shertzer: \$ _____

HOW DO YOU FIND THESE DAMAGES APPORTIONED?

Joshua Shuman:

Janice Mindish	_____ %
Brian Baddick	_____ %
Philip Gale	_____ %
Donald Stewart	_____ %
Carole Fay	_____ %

Teresa Shertzer:

Janice Mindish	_____ %
Brian Baddick	_____ %
Philip Gale	_____ %
Donald Stewart	_____ %
Carole Fay	_____ %

IF YOU ANSWERED "NO" TO BOTH 20a and 20b, BUT ANSWERED "YES" TO EITHER QUESTIONS 1, 5, 9, 13 OR 17, CONTINUE ON TO QUESTION 21. IF YOU ANSWERED "NO" TO THIS QUESTION, AND ANSWERED "NO" TO QUESTIONS 1, 5, 9, 13, AND 17, DO NOT ANSWER ANY MORE QUESTIONS.

21. Do you find that Joshua Shuman and Teresa Shertzer have proved by a preponderance of the evidence that the Defendants' actions were of such an outrageous nature as to demonstrate intentional, willful, wanton or reckless conduct to that punitive damages should be assessed to punish any of them and deter such conduct by others?

Janice Mindish	_____	YES	_____	NO
Brian Baddick	_____	YES	_____	NO
Philip Gale	_____	YES	_____	NO
Donald Stewart	_____	YES	_____	NO
Carole Fay	_____	YES	_____	NO

IF YOU ANSWERED "YES", THEN IN WHAT AMOUNT \$ _____

HOW DO YOU FIND THESE DAMAGES APPORTIONED?

Janice Mindish	_____	%
Brian Baddick	_____	%
Philip Gale	_____	%
Donald Stewart	_____	%
Carole Fay	_____	%

Date _____

Foreperson _____